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BEFORE HON'BLE STATE ADMINISTRATIVE TRIBUNAL BENCH

AT RAIPUR, CHHATTISGARH WP(S)3692/01

Original Application No. 397 /2001

Shiv Bhuwan Singh,
Son of Shri Ram Bali Singh,
Lab. Technician, Govt. P.G.College,
Dharampura, Jagdalpur (Chhattisgarh) .. Applicantee

Versus

1. State of M.P.
Through Secretary,
Higher Education Department,
Ministry of Higher Education,
Mantralaya Vallabh Bhawan,
Bhopal.

2. State of Chhattisgarh,
Through Secretary,
Education Department,
Mantralaya, D.K.S.Bhawan,
Raipur, Chhattisgarh.

3. Commissioner,
Higher Education,
Satpuda Bhawan, Bhopal.

4. Principal,
Govt. Post Graduate College,
Dharampura, Jagdalpur,
Bastar (Chhattisgarh) .. Non-Applicants

No. 1394/01
Filed today 8.6.01
by Shri G. Yadav
For Registrar,
M. P. State Adm. Tribunal,
RAIPUR.

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNAL ACT 1985:

1. PARTICULARS OF THE APPLICANT:

As above.

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HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3692 of 2005

Petitioner — Shiv Bhuwan Singh

Versus

Respondents — State of M.P. (Now C.G.) & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Anupam Dubey , Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Lab Technician at Rewa was transferred to Govt. P.G. College, Dharampura, Jagdalpur, on the same terms and conditions, vide order dated 29.5.2000 (Annexure A/1), on his own request. After joining of the petitioner from Rewa to Jagdalpur, the transfer order dated 29.5.2000 was cancelled vide impugned order dated 15.9.2000 (Annexure A/5).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 14.6.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 8.6.2001. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur